

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Request for Waiver by)	
)	
Saint Katherine Drexel School)	File No. SLD-331520
Chester, Pennsylvania)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. <u>97-21</u>
National Exchange Carrier Association, Inc)	

ORDER

Adopted: August 4, 2003

Released: August 5, 2003

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1 The Telecommunications Access Policy Division has under consideration a Request for Waiver filed by Saint Katherine Drexel School, Chester, Pennsylvania (Saint Katherine), seeking a waiver of the Commission's rules governing the schools and libraries universal service support mechanism.¹ Specifically, Saint Katherine requests a waiver of the filing deadline for Funding Year 2002.² For the reasons set forth below, we deny the Waiver Request.

2 In its decision, SLD determined that Saint Katherine's application had been filed after the close of the January 17, 2002 FCC Form 471 filing window.³ The record shows that Saint Katherine's FCC Form 471 Application was postmarked on February 8, 2002.⁴ Saint Katherine requests a waiver of the Commission's rules because of its misunderstanding of program rules.⁵

¹ Letter from Rev. Kevin P. Murray, Saint Katherine Drexel School, to Federal Communications Commission, filed July 3, 2002 (Waiver Request). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Universal Service Administrative Company (Administrator) may seek review from the Commission. 47 C.F.R. §54.719(c).

² See Waiver Request.

³ Postcard from Schools and Libraries Division, Universal Service Administrative Company, to Elizabeth McVeigh, Saint Katherine School, dated April 9, 2002.

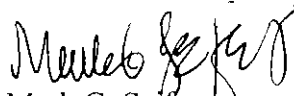
⁴ FCC Form 471, Saint Katherine Drexel School, filed February 8, 2002.

⁵ Waiver Request.

3 We find that a waiver is not appropriate. A waiver from the Commission is appropriate if special circumstances warrant a deviation from the general rule and such deviation would better serve the public interest than strict adherence to the general rule.⁶ Applicant's assertion that it had a misunderstanding of program rules is not a special circumstance warranting a waiver of the filing window.⁷ Further, we have consistently held in the past that it is the applicant who has responsibility ultimately for the timely submission of the application.⁸ Therefore, we deny the Waiver Request.

4 ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that the Waiver Request filed by the Saint Katherine Drexel School on July 3, 2002 is DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seibert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

⁶ *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*), see also *WAT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969) (stating that the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis), *cert. denied*, 409 U.S. 1027 (1972).

⁷ See, e.g., *Request for Waiver by Hancock County Public Library, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-318275, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 19521 (Wireline Comp. Bur. 2002).

⁸ See *Requests for Waiver by Center City Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-325719, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 22424 (Wireline Comp. Bur. 2003).